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The opinion in support of the decision being entered today as not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GORDON T. BROWN

Appeal No. 1999-0167
Application No. 08/313,988

HEARD: July 11, 2001

MAILED

AUG 15 2001

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before HAIRSTON, RUGGIERO, and DIXON, **Administrative Patent Judges.**
DIXON, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2-7, 14-17, and 21-28, which are all of the claims pending in this application.

We AFFIRM.

BACKGROUND

The appellant's invention relates to an automated accounting system. An understanding of the invention can be derived from a reading of exemplary claims 21 and 28 which are reproduced below.

21. A system for providing financial accounting reports and statements for a first entity such as an individual or a business, said system comprising:

a first computer having at least one file;

a second computer for receiving data inputs, said data inputs including electronically recorded financial transactions made between said first entity and a second entity;

first communication means for transferring said data inputs from said second computer to said file of said first computer; and

means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs.

28. A method of providing financial accounting reports and statements for a first entity such as an individual or a business which comprises:

providing a menu of transaction codes, including standardized codes;

conducting through other entities separate financial transactions, including transfer of funds and instructions for transfer of funds, with the first entity at a plurality of separate points;

associating a transaction code from the menu at the time when funds are transferred or instructions are given for transfer to complete the financial transaction;

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transmitting a record of each transaction and selected transaction code to at least one file at about the time of the transaction;

sorting the transactions in the files and producing an accounting statement in a desired format;

printing or electronically displaying the statement results.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

"Interview with Don Kniffen," TMA Journal, Vol. 14, No. 1, pp 34-38, Jan/Feb. 1994 (Kniffen).

Claims 2-7, 14-17, and 21-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kniffen.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the final rejection (Paper No. 10, mailed May 22, 1997) and the examiner's answer (Paper No. 18, mailed Feb. 19, 1998) for the examiner's reasoning in support of the rejections, and to the appellant's brief (Paper No. 16, filed Nov. 17, 1997) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we note that appellant has argued the limitations of independent claim 28. We view independent claim 21 to be broader and more representative of the claimed invention. At the oral hearing appellant argued that claim 28 should be grouped separately from independent claim 21. Therefore, we will address two separate groupings.

With respect to claim 21, the examiner maintains that Kniffen teaches an electronic data interchange between at least two entities and that the data interchange includes electronic funds transfer and related accounting data. (See final rejection at pages 3-4 and answer at page 4.) We agree with the examiner. At the oral hearing, appellant argued that Kniffen does not teach or fairly suggest "a system for providing financial accounting reports and statements for a first entity" as recited in the language of claim 21. Appellant further relies upon the interpretation of "accounting statements" as discussed at page 2 of the specification. At page 2, the specification describes entering, deleting, reviewing, adjusting and processing the data inputs to generate the accounting statements. In contradistinction, the language of independent claim 21

merely requires a "means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs." Here, access to the file or data is claimed to enable an agent to perform "one or more" of a list of functions. Therefore, it would be improper to interpret the language of claim 21 as requiring all of the functions as recited in the specification at page 2 or to require the level of detail of an accounting statement as may be described in the specification. Furthermore, the explicit limitations of claim 21 do not recite the generation of the accounting statement, but only recite this limitation in the preamble of the claim. Therefore, this argument is not persuasive, and we will sustain the rejection of independent claim 21 and its dependent claims 22-27.

Appellant argues that Kniffen does not teach the use of an integrated network and that Kniffen is a closed system between two participants. (See brief at page 8.) We find no express limitation in the language of claim 21 to support this argument. Therefore, this argument is not persuasive.

Appellant argues that Kniffen does not teach or fairly suggest the conception of an accounting system as appellant's invention. (See brief at pages 6-9.) Again, appellant does not identify specific claim limitations to support this argument. Clearly, the data exchange of information in Kniffen included some financial related data, and it was used and processed which is the basics of accounting. The preamble of the claim is

the only recitation of accounting and no further processing is recited in claim 21.

Therefore, this argument is not persuasive.

With respect to claim 28, appellant argued at the oral hearing that Kniffen does not teach or suggest the limitations set forth in the second and third paragraphs of claim 28. Specifically, appellant argues that Kniffen does not teach the use of "standardized codes" and providing a "menu of transaction codes." The examiner maintains that a set of standardized transaction codes would have been necessary to select appropriate financial and data transactions between two entities. (See final rejection at page 5.) We agree with the examiner. Further, Kniffen discloses the problems involved with the development of the electronic data and financial interchange, and the need for industry standards to effectuate the exchanges. (Kniffen at pages 1 and 3.) Clearly, in our view, this is motivation for standardization of transactions which would require associated codes thereto. This would be especially true as more entities were to become involved in transactions beyond Budd and the big three automotive manufacturers.

At the oral hearing, appellant argued that Kniffen does not teach "conducting through other entities separate financial transactions, including transfer of funds and instructions for transfer of funds, with the first entity at a plurality of separate points." Appellant relies upon this limitation to claim that the first entity is in a network with other

entities and these other entities perform financial transactions with or through the first entity. We disagree with appellant's interpretation of the language of claim 28. Here, the examiner maintains that the electronic funds transfer for Budd would have been with Budd's bank. (Final rejection at page 5.) From the examiner's interpretation, the bank of one entity would have been one of the "other entities." We agree with the examiner. Since claim 28 does not identify the number or functional relationship of the other entities, the bank would have been another entity with which to carry out data and financial transactions. Furthermore, Kniffen discloses that transactions are maintained with the three big manufacturers. In our view, these would also be other entities, as claimed. We note that the language of claim 28 does not recite that all the entities are interconnected in a network for transactions and accounting. While we agree with appellant that Kniffen does not teach the use of a network with two or more entities besides the first entity, claim 28 does not require this detail in the recited limitations. Therefore, this argument is not persuasive.

At the oral hearing, appellant argued that Kniffen does not produce an "accounting statement in a desired format" as disclosed on page 2 of the specification. As discussed above, we will not read limitations from the specification into the claim. Therefore, this argument is not persuasive. The examiner maintains that Kniffen discloses generating financial reports. (Final rejection at page 5.) We agree with the examiner. Kniffen does disclose the updating of financial database files including

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general ledger, accounts receivable and credit. (Kniffen at page 3.) It is clear to us that these updates would be printable or viewable on a display for user interaction and review.

Appellant argues many aspects of the accounting statement in the brief at pages 7-9, but we find no express support for these arguments in the language of claim 28. Appellant argues that Kniffen does not disclose the concept of being integrated with any other system such as a credit card system. Again, we find no support in the language of claim 28 for this argument. Therefore, this argument is not persuasive. Since appellant has not rebutted the *prima facie* case of obviousness, we will sustain the rejection of claim 28 and its dependent claims 2-7 and 14-17.

CONCLUSION

To summarize, the decision of the examiner to reject claims 2-7, 14-17, and 21-28 under 35 U.S.C. § 103 is affirmed.


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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge

Joseph F. Ruggiero
JOSEPH F. RUGGIERO
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge

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